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Paper No.

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OFFICE OF PETITIONS

In re Application of :
Mizukoshi et al. :
Application No. 10/767,288 :
Filed: January 28, 2004 : ON PETITION
Attorney Docket Number: :
87113RLO :

This is a decision on the Petition for Grant of Filing Date, filed October 22, 2004, requesting the above-identified application be accorded a filing date of January 28, 2004, including one page of claims and 6 pages of drawings.

The petition is granted.

The application was filed on January 28, 2004. However, on October 6, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application ("Notice"), noting that the application had NOT been accorded a filing date because the application did not include at least one claim, and the application was deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that one page of claims and 6 pages of drawings were included among the application papers originally filed on January 28, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *intern alia*, one page of claims and 6 pages of drawings, filed on January 28, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of, *intern alia*, one page of claims and 6 pages of drawings, filed on January 28, 2004. Petitioner has also re-submitted one page of claims and 6 pages of drawings with the instant petition.

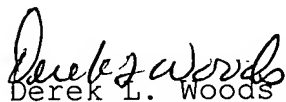
Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the postcard against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted. The copies of one page of claims and 6 pages of drawings, supplied with the instant petition on October 22, 2004, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of January 28, 2004, and an indication that one page of claims and 6 pages of drawings were included among the application papers originally filed on January 28, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Attorney Advisor
Office of Petitions